

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The United States of America,
ex rel., Andrew M. Garner, III,
and Andrew M. Garner, III, individually,

Plaintiffs,

v.

Anthem Insurance Companies, Inc., an
Indiana corporation; AdminaStar Federal, Inc.,
an Indiana corporation; FiServ Solutions, Inc.,
a Wisconsin corporation; Anthem Prescription
Management, Inc., an Ohio corporation;
American Health Network of Indiana, Inc., an
Indiana corporation; Paragon Health Systems,
LTD., an Ohio limited liability company; and,
Wright Health Associates, Inc.; an Ohio
corporation,

Defendants.

No. 1-00cv-00463
(Judge S. Arthur Spiegel)

NOTICE OF DISMISSAL

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States having intervened in this case, hereby notifies the Court that it voluntarily dismisses this action, with the exception of any claims by the Relator for expenses, attorneys' fees and costs under 31 U.S.C. § 3730(d)(1), and with the exception of Count VI of the Complaint, for retaliatory discharge under 31 U.S.C. §3730(h), pursuant to Rule 41(a), Fed. R. Civ. P., and in accordance with the terms of the attached Settlement

Agreement. The United States dismisses Count I of the Complaint with respect to AdminaStar Printmail and Anthem Prescription with prejudice and dismisses the remainder of the Complaint, with the exception of any claims by the Relator for expenses, attorneys' fees and costs under 31 U.S.C. § 3730(d)(1), and with the exception of Count VI of the Complaint, for retaliatory discharge under 31 U.S.C. §3730(h), without prejudice. A proposed order accompanies this Notice.

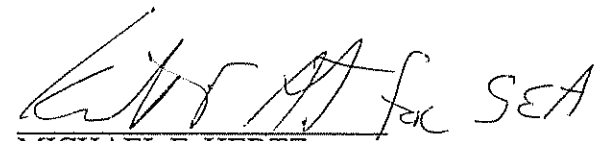
Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

GREGORY G. LOCKHART
United States Attorney



KENNETH F. AFFELDT
(0052128)
Assistant U.S. Attorney
303 Marconi Boulevard
Suite 200
Columbus, Ohio 43215
(614) 469-5715



MICHAEL F. HERTZ
JOYCE R. BRANDA
STANLEY E. ALDERSON
Attorneys, Civil Division
U.S. Department of Justice
Post Office Box 261
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6696

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The United States of America,
ex rel., Andrew M. Garner, III,
and Andrew M. Garner, III, individually,

Plaintiffs,

v.

Anthem Insurance Companies, Inc., an
an Indiana corporation; FiServ Solutions, Inc.,
a Wisconsin corporation; Anthem Prescription
Management, Inc., an Ohio corporation;
American Health Network of Indiana, Inc., an
Indiana corporation; Paragon Health Systems,
LTD., an Ohio limited liability company; and,
Wright Health Associates, Inc.; an Ohio
corporation,

Defendants.

No. 1-00cv-00463
(Judge S. Arthur Spiegel)

ORDER

The United States having intervened in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), and having voluntarily dismissed this action, with the exception of any claims by the Relator for expenses, attorneys' fees and costs under 31 U.S.C. § 3730(d)(1), and with the exception of Count VI of the Complaint, for retaliatory discharge under 31 U.S.C. §3730(h), the Court rules as follows:

IT IS HEREBY ORDERED that this action is dismissed in accordance with the terms of the attached Settlement Agreement, with the exception of any claims by the Relator for expenses, attorneys' fees and costs under 31 U.S.C. § 3730(d)(1), and with the exception of Count VI of the Complaint, for retaliatory discharge under 31 U.S.C. §3730(h). Count I of the Complaint, with respect to AdminaStar Printmail and Anthem

Prescription, is dismissed with prejudice and the remainder of the Complaint, with the exception of any claims by the Relator for expenses, attorneys' fees and costs under 31 U.S.C. § 3730(d)(1), and with the exception of Count VI of the Complaint, for retaliatory discharge under 31 U.S.C. §3730(h), is dismissed without prejudice.

BY THE COURT:

Dated: _____

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Dismissal was served this 6th day of January, 2006, electronically on: James Burdette Helmer, Jr., John Timothy Keller, Paul B. Martins, Robert M. Rice, James Alan Dyer and Katherine Lee Early; and by regular U.S. Mail on:

Barbara Duncombe, Esq.
Sebaly, Shillito & Dyer
1900 Kettering Tower
Dayton, Ohio 45423.

s/Kenneth F. Affeldt
KENNETH F. AFFELDT (0052128)
Assistant United States Attorney